



PATENT
Docket No. 360842002900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Akira NISHIMURA et al.

Serial No.: 09/079,468

Filing Date: May 15, 1998

For: CLOTH PREPREG AND WET
PROCESS FOR MANUFACTURING
THE SAME

Examiner: Christopher Platt

Group Art Unit: 1771

Handwritten notes:
H/T
10-01
JML

DECLARATION OF TORU NAKANISHI

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Toru Nakanishi declares under penalty of perjury under the laws of the United States of America as follows:

1. I reside at 1100-68, Minamiyamada-cho, Kusatsu-shi, Shiga 525-0063 Japan. I graduated Department of Applied Chemistry of Hiroshima University in 1963. I entered employment with Toray Industries, Inc. (Toray), in that year and entered Toray Intellectual Experts Co. (Toray IPE) in 1996. After 16 years of research in the field of fiber technology, since 1979, I have been dealing with patent problems in the Intellectual Property Department of Toray and in the International Department of Toray IPE for 23 years in total. I am now the General Manager of the International Department of Toray IPE and I have been in charge of this case in Toray IPE. I have reviewed the Action of January 29, 2001 and interviewed with the Examiner on March 29, 2001 at the USPTO.

2. The interview summary states:

"The examiner indicated that the current language, with respect to the linear binder is being interpreted broadly to mean any binder composition, which is applied. Applicants explained that their invention is actually meant to represent a binder applied to the fabric in the form of a line or fiber. It was determined that a possible error occurred in the translation of the phrase "linear binder." It was suggested that Applicants file a CPA to amend the claims (and possibly the spec.) to indicate an accurate an actual representation of the actual binder. The Examiner also expressed concern that the claim amendments have support in the originally filed spec."

3. Further, at the interview:

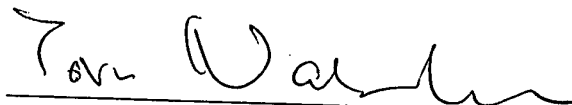
First, I explained that the exact translation of the phrase used in Japanese for the linear binder of this invention is "line-like." Using the phrase "line-like" will distinguish this invention over Kishi and yet allow the binder to be applied in the form of solid or liquid lines, e.g., fiber or lines of epoxy.

Second, the Examiner said that if we amend the claims to recite "line-like," then we should also submit a Declaration explaining that this term is supported and explained in the original Japanese specification. Otherwise, he will reject the claims for lack of written description and indefiniteness.

4. I present this Declaration to explain that the exact translation of the phrase used in Japanese for the linear binder of this invention is "line-like." Since "線状" in Japanese was inadvertently translated into "linear" by a translator, this confusion was caused. I prepared and enclosed herewith an English translation of the basic Japanese Application, Japanese Patent Application No. 143046/1987. Please compare it with the original claim 1 of this application. Please also note the extracts from NEW JAPANESE-ENGLISH DICTIONARY in which it is indicated that "線" means line and "状" means "like." This explanation is also supported by Figs. 2 and 3 of this application. Although the claim 1 of this application and that of the basic Japanese application are not the same, with respect to the term, "線状", the difference is not the material to the patentability of the invention claimed in the present application.

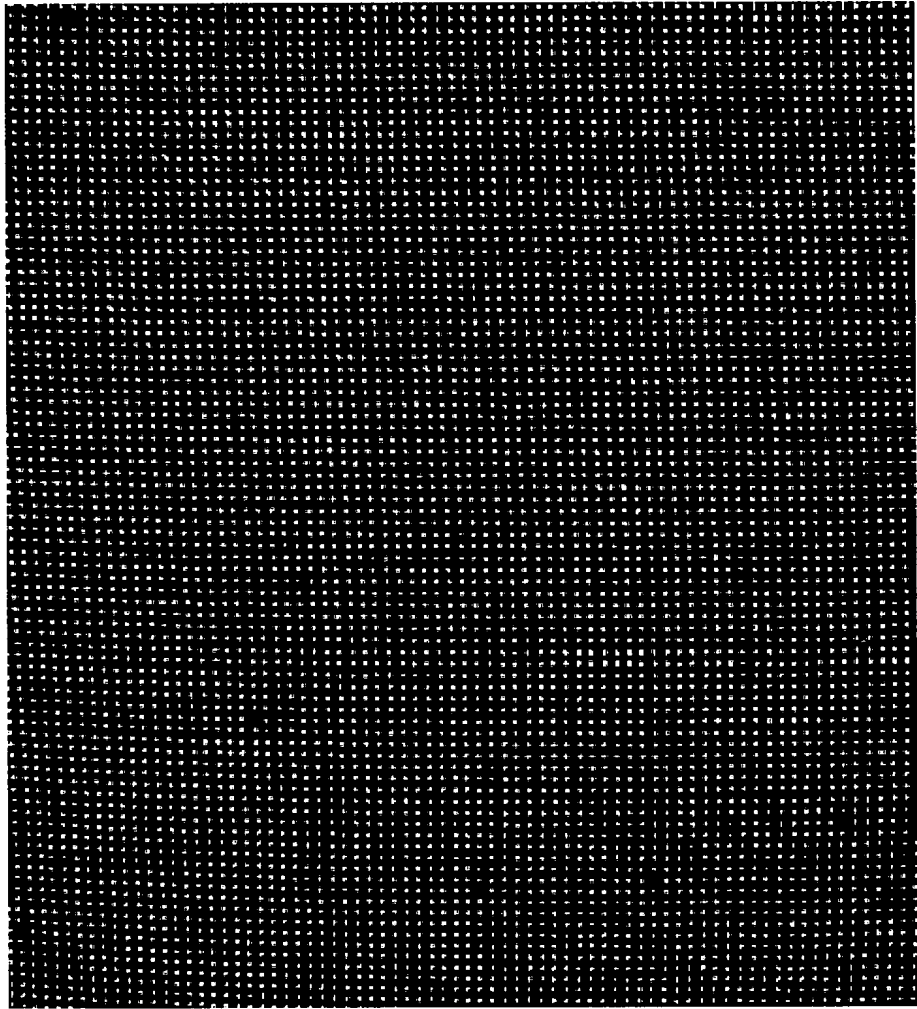
5. The facts presented above show that the exact translation of the phrase used in Japanese for the linear binder of this invention is "line-like" and that is what the applicants intended to mean.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Ohtsu, Shiga, Japan, this 25th day of May, 2001.


Toru Nakanishi

Encls: Basic Japanese Application and Its English translation
Extracts from NEW JAPANESE-ENGLISH DICTIONARY

Photograph 1 : Fabric



Photograph 2 : Prepreg

